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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :

Hegele-Hartung et al.

Group Art Unit: 1616

Serial No.: 10/083,685

Examiner: Barbara P. Badio

Filed: February 27, 2002

For: **USE OF ER $\beta$ -SELECTIVE LIGANDS FOR REGULATING FERTILITY AND COMPOUNDS USEFUL THEREFOR**

INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR §§ 1.56, 1.97 and 1.98

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

This information disclosure statement is made in accordance with 37 C.F.R. §§ 1.56, 1.97 and 1.98 as follows:

Timing and Fees

- ☒ Under 37 C.F.R. § 1.97(b), no fee or statement is required for filing this information disclosure statement is filed:
- ☐ within three months after the filing date of a national application other than a CPA under § 1.53(d);
  - ☐ within three months after the actual filing date of the national phase of a PCT application; OR
  - ☐ before the mailing of a first substantive office action (including after filing of an RCE).
- ☐ Under 37 C.F.R. § 1.97(c), this information disclosure statement is filed after the periods specified in 37 C.F.R. § 1.97(b), but before the mailing date of:
- ☐ a final rejection under 37 C.F.R. 1.113;

I hereby certify that this correspondence is being deposited with the U.S. Postal Services as First Class Mail in an envelope addressed to:  
Assistant Commissioner For Patents.  
Washington, D.C. 20231 on: 4/16/03  
Name: ROBERT E. MCCARTHY  
Signature: Robert E. McCarthy  
Date: APRIL 16, 2003

☐ termination of prosecution, e.g. Ex Parte Quayle, M.P.E.P § 609(B)(2); OR

☐ a notice of allowance under 37 C.F.R. § 1.311; and

is accompanied by:

☐ the statement as specified in 37 C.F.R. § 1.97(e) set out below; OR

☐ a check covering the fee of \$180.00 under 37 C.F.R. § 1.17(p).

☐ Under 37 C.F.R. § 1.97(d), this information disclosure statement is filed after the mailing date of the following actions which have not been withdrawn:

☐ a final action under 37 C.F.R. § 1.113;

☐ termination of prosecution, e.g. Ex Parte Quayle, M.P.E.P § 609(B)(2); OR

☐ a notice of allowance under 37 C.F.R. § 1.311;

AND is filed on or before payment of the issue fee; AND is accompanied by:

☐ the statement as specified in 37 C.F.R. § 1.97(e) as set forth below, and the fee of \$180.00 under 37 C.F.R. § 1.17(p).

Statements Under 37 C.F.R. 1.97(e)

☒ Each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application having a mailing date not more than three months prior to the filing date of this information disclosure statement; or

☐ No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and to the knowledge of the undersigned attorney after making reasonable inquiry, no item of information contained in this information disclosure statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing date of the information disclosure statement.

### Cited Materials

- ☐ Copies of materials listed but not attached were cited in benefit (35 U.S.C. § 120) ancestor application Serial No. \_\_\_\_\_, on Form 892 by the Examiner and/or Form 1449 by the applicant; see 37 C.F.R. § 1.98(d).
- ☐ Copies of materials listed but not attached were cited in an international search report dated \_\_\_\_\_.
- ☒ Copies of the materials listed are attached.

### Non-English Language References

- ☐ The reference(s): \_\_\_\_\_ in the English-language is (are) indicated by commercial data bases to correspond to the non-English reference(s): \_\_\_\_\_, respectively.
- ☐ (An) English-language translation(s) of the references: \_\_\_\_\_ is (are) provided.
- ☒ A commercial English-language abstract of reference(s) **B1** is (are) provided.
- ☐ An English-language search report or equivalent paper from a foreign patent office is provided indicating the relevance of the cited reference(s).
- ☐ A foreign-language search report from a foreign patent office is provided, and pertinent parts are translated substantively below:

X = document of particular relevance when it is taken alone  
Y = document of particular relevance when it is combined with another such document  
A = document defining the general state of the art  
O = non-written disclosure  
P = intercalated document  
T = document cited to understand the theory or principle underlying the invention  
E = patent document which has the benefit of a date earlier than the filing date and which was published only on or after this filing date  
D = cited in the application  
L = cited for another reason  
& = publication of member of same patent family

- ☐ Translation of other relevant information on foreign search report

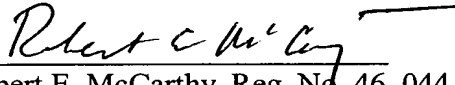
Other Information

Enclosed is a copy of the Search Report from corresponding International Application No. PCT/EP02/02117 filed February 27, 2002.

Payment of Fees Due (If Any):

- ☐ A check for \$            covering the fee identified above is attached.
- ☐ Please charge to Deposit Account No. 13-3402 \$            for the fee identified above.
- ☒ The Commissioner is hereby authorized to charge or credit any overpayment to Deposit Account #13-3402, two copies of this paper are attached for this purpose.

Respectfully submitted,

  
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Representative Capacity

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